

CRIMINAL DOCKET - U.S. District Court

U.S.

(LAST, FIRST, MIDDLE)

83

PO ☐ 0417 03 Assigned 1709
 Misd. ☐ Disposition 1709
 Felony ☒ District Off Judge/Magistr.

☐ WRIT
☐ JUVENILE
☐ ALIAS
 OFFENSE ON INDEX CARD

VS. KELLEY, Leslie James
a/k/a Rac

Case Filed Mo. Day Yr. 01 10 89
 Docket No. 00003 Def. 02
 No. of Def's U.S. MAG. CASE NO.

I. CHARGES

U.S. TITLE/SECTION	OFFENSES CHARGED	ORIGINAL COUNTS	DISM. NG	GUILTY NOLO
21:841 & 846	Conspiracy to possess with intent to distribute and distribution of Sched. I cont. sub. to wit: LSD (Ct. 1)	1	<input checked="" type="checkbox"/>	<input type="checkbox"/>
21:841 & 18.2	Distribution of Sched. I cont. sub. (LSD) (Ct. 2&3)	2	<input checked="" type="checkbox"/>	<input type="checkbox"/>
18:1952(a) & 2	Interstate travel in aid of racketeering & aiding & abetting (ct. 4)	1	<input checked="" type="checkbox"/>	<input type="checkbox"/>
21:843(b)	Unlawful use of communication facility (Cts. 5-8)	4	<input checked="" type="checkbox"/>	<input type="checkbox"/>

II. KEY DATE

INTERVAL ONE	END ONE AND/OR BEGIN TWO (OR RESTART PERIOD TO TRIAL)	END INTERVAL TWO
KEY DATE EARLIEST OF 1st appears with or waives counsel	KEY DATE 1/10/89 APPLICABLE 1st Trial Ended	KEY DATE 5-31-90 APPLICABLE Final Charges Dismissed

Search Warrant	Issued	DATE	INITIAL/NO.	OUTCOME:
Summons	Issued			HELD FOR GJ OR OTHER PROCEEDING IN THIS DISTRICT
Arrest Warrant Issued	Served			HELD FOR GJ OR OTHER PROCEEDING IN DISTRICT BELOW
COMPLAINT				
Date of Arrest	OFFENSE (In Complaint)			

Show last names and suffix numbers of other defendants on same indictment/information:

ATTORNEYS
 U.S. Attorney or Asst.
 Capt. Frederic Borch, Ft. Bra

Defense: 1 ☐ CJA. 2 ☐ Ret. 3 ☐ Waived. 4

Federal Custody

USMS Pensacola
no info
904-432-4816
per USMS Tallahassee

Escaped 7-20-89
Cumberland Co.
4-18-90
USMS Tallahassee

70 days = July 18

Proposed T.D. = July 3, 1989

FINE AND RESTITUTION PAYMENTS			Docket Entries Begin On Reverse Side		
DATE	RECEIPT NUMBER	C.D. NUMBER	DATE	RECEIPT NUMBER	C.D. NUMBER

RULE ☐ 20 ☐ 21 ☐ 40 ☐ In ☐ Out

BAIL • RELEASE

PRE-INDICTMENT

Release Date ☐ Denied ☐ Fugitive ☐ Pers. Rec. ☐ PSA

AMOUNT SET \$ ☐ Conditions ☐ 10% Dep. ☐ Surety Bnd ☐ Collateral ☐ 3rd Ptry ☐ Other

POST-INDICTMENT

Release Date ☐ Denied ☐ Fugitive ☐ Pers. Rec. ☐ PSA

AMOUNT SET \$ ☐ Conditions ☐ 10% Dep. ☐ Surety Bnd ☐ Collateral ☐ 3rd Ptry ☐ Other

APPEALS FEE PAYMENTS

IV. NAMES & ADDRESSES OF ATTORNEYS, SURETIES, ETC.

DATE DOCUMENT NO.	Yr.	Docket No.	Def.	MASTER DOCKET - MULTIPLE DEFENDANT CASE PROCEEDINGS DOCKET FOR SINGLE DEFENDANT	PAGE _____ OF _____	VI EXCLUDABLE DELAY			LETTER CODES
						Start Date End Date	Ltr Code	Total Days	
		89-3-02-CR-3							
				(OPTIONAL) Show last names of defendants					
				V. PROCEEDINGS					
1-10-89	1.			INDICTMENT FILED - cys. to U.S. Atty, Divisional Office, Probation Request for warrant to be issued by the U.S. Attorney					A Exam or hearing for mental/physical incapacity (18 USC 4244) [(1)(A)]
	2.			ISSUED WARRANT FOR ARREST - original and one copy to U.S. Marshal for service(copy to U.S. Atty.)					
5-9-89				FIELD REPORT Subj. arrested by USMS, N/Ca. on warrant. @ Fayetteville - Mag. Dixon -Taped Proceedings					B NARA exam (18 USC 2902) [(1)(B)]
				Deft. advised of rights, charges, and punishment. F.P.D. appt. Govt. moved for detention. Deft. remanded to custody of U.S.M., held in Cumberland County Jail until def't attorney contact Magistrate Dixon to either request or waive a detention hearing. Note: Deft. gave the Oakland City Jail, Oakland, Ca. as his permanent address. He said he had no other permanent address.					C State/Fed. proceedings on other charges [(1)(D)]
	3.			ORDER Deft. having demonstrated eligibility for appointment of counsel at government expense, the Federal Public Defender is directed to provide representation in this action. It is further ordered that the U.S. Marshal shall serve any subpoena presented to him in this case by the office of the Federal Public Defender, and shall pay the appropriate fees and expenses to witnesses so subpoenaed. Mag. Denson. cys. to U.S. Atty., and Federal Public Defender.					D Interlocutory appeal [(1)(E)]
	4.			DETENTION ORDER Accordingly, as a preliminary matter, the court declines to set a hearing on detention in this district unless and until the defendant and his attorney affirmatively notice the court that such a hearing is desired. Therefore, the deft. is committed to the custody of the Attorney General or his designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. Mag. Dixon CR OB # 11, p 79 cys. dist. (ent. 5-22-89) ms					E Pretrial motion (from filing to hearing or to other prompt disposition) [(1)(F)]
5-11-89	5.			ORDER PRE-TRIAL SCHEDULING-All pre-trial motions shall be filed no later than June 8,1989. Responses to motions shall be filed no later than June 19, 1989. Untimely motions and responses may be summarily disregarded. Motions hearings, as necessary, shall be conducted by a judge or magistrate of this court in advance of trial. Mag. Denson, cys. dist. (ent.5-22-89) ms.					F Transfer from other district per FRCrP 20.21 or 40 or Mag Rule 6a [(1)(G)]
5-12-89	6.			MARSHAL'S RETURN ON WARRANT FOR ARREST -This warrant was received and executed with the arrest of the above named deft. at Fayetteville, N.C. Clifford Hart, Crim. Inv. ms					G Proceedings under advisement, not to exceed 30 days, after all necessary submissions filed and hearings completed [(1)(J)]
6-7-89	7.			MOTION TO EXTEND TIME TO FILE PRETRIAL MOTIONS - w/cs U.S. Atty 1c Mag. Denson. (ent. 6-7-89) ms	6-7-89		E		H Misc. proceedings: arraignment, parole/probation, revocation, Deportation, extradition [(1)]
6-8-89	8.			ORDER - The defendants motion for an extension of time in which to file pre-trial motions is granted . All pre-trial motions shall be filed no later than ten days after the deft. is returned to the Eastern District of North Carolina and all responses shall be filed within ten days thereafter. Mag. Denson, CR OB # 11, p 121 cys. to U.S. Atty, Judge Howard, Federal Public Defender. (ent. 6-8-89) ms					I Deferral of prosecution (per 28 USC 2902) [(1)(C)]
7/27/89				70 days up 9/14/89 w/excludable time for motions & time out of district (5/27/89 - 7/23/89 for sentencing in another district)					J Transportation from another district or to/from examination or hospitalization in 10 days or less [(1)(H)]

T3 Indictment for arrest can't be filed in 30 days [(8)(B),(v)]
T4 Continuance granted to obtain or substitute counsel, or give reasonable time to prepare [(8)(B),(v)]
U Time up to withdrawal guilty plea, 3161(i)
W Grand Jury indictment time extended 30 more days, 3161 (b)

UNITED STATES DISTRICT COURT
CRIMINAL DOCKET

U. S. vs

LESLIE JAMES KELLEY

89-3-02-CR-3

AO 256A *

Yr. Docket No. Def.

DATE	PROCEEDINGS (continued)	V. EXCLUDABLE DELAY			
		(a)	(b)	(c)	(d)
7/25/89	9. GOVERNMENT'S PROPOSED QUESTIONS OF VOIR DIRE-cs to Mr. Conormon only for the purpose of ; cy to Judge Howard	bb			
7/31/89	10. MOTION TO EXCLUDE TIME UNDER 18 U.S.C. 3161 SPEEDY TRIAL- by gov't praying for an order excluding the time period beginning w/the date of the escape of Acus from federal custody in computing time for speedy trial purposes; cs to FPD office; cy to Judge Howard				
"	11. GOVERNMENT'S PROPOSED JURY INSTRUCTIONS; cs to atty; cy to Judge Howard	bb			
8-2-89	12. MOTION TO DISMISS PURSUANT TO THE DOUBLE JEOPARDY CLAUSE OF THE FIFTH AMENDMENT - w/cs U.S. Atty., lc Judge Howard		8-2-89	E	
	13. MEMORANDUM OF LAW IN SUPPRT OF MOTION TO DISMISS ON THE BASIS OF DOUBLE JEOPARDY CLAUSE OF THE FIFTH AMENDMENT - w/cs U.S. Atty., lc Judge Howard.		8-2-89	E	
	14. MOTION TO TRANSFER - w/cs U.S. Atty., lc Judge Howard		8-2-89	E	
	15. MEMORANDUM OF LAW IN SUPPORT OF MOTION TO TRANSFER -w/cs U.S. Atty., lc Judge Howard		8-2-89	E	
	16. MOTION FOR BILL OF PARTICULARS -w/cs U.S. Atty., lc Mag. McGotter Denson		8-25-89		
	17. MEMORANDUM OF LAW IN SUPPORT OF MTOION FOR BILL OF PARTICULARS w/cs U.S. Atty., lc Mag. McGotter Denson				
8/10/89	18. RESPONSE TO THE GOVERNMENT'S MOTION TO EXCLUDE TIME by def't; cs to AUSA: cy to Jduge Howard				
8/15/89	19. GOVERNMENT'S RESPONSE TO DEFENDANT'S MOTION FOR A BILL OF PARTICULARS & attached MEMORANDUM in SUPPORT; cs to def't; cy to Mag. Denson	bb			
"	20. RESPONSE TO MOTION TO TRANSFER (F.R. Crim.P.21(b)) by gov't & attached MEMORANDUM OF LAW; cs to def't; cy to Judge Howard	bb			
"	21. RESPONSE TO MOTION TO DISMISS COUNT ONE PURSUANT TO DOUBLE JEOPARDY CLAUSE OF FIFTH AMENDMENT by gov't; cs to def't; cy to Judge Howard	bb			
8/25/89	22. ORDER-defendant's motion for a bill of particulars is DENIED except that it is ALLOWED as to the names of all persons alleged to be co-conspirators; DENSON, Alexander B., U. S. Mag.; cc to AUSA; FPD; Judge Howard ent. 8/28/89	bb			
8/28/89	23. ADDENDUM TO RESPONSE TO MOTION TO DISMISS COUNT ONE PURSUANT TO DOUBLE JEOPARDY CLAUSE OF THE FIFTH AMENDMENT - by Govt. w/cs to FPD, cc to Judge Howard	b1			
"	24. ORDER-the motion of the defendant to have this case transferred to the Northern District of California is denied ; Howard, Malcolm J., U. S. Dist. Judge; CR OB#12, p. 1; cc to AUSA; FPD: Judge Howard; ent. 8/28/89	bb			
"	25. ORDER-the motion of the defendant to dismiss Count One of the Indictment in the grounds of double jeopardy is DENIED; HOWARD, Malcolm J., U. S. Dist. Judge; CR OB#12, p. 2; cc to AUSA: FPD: Judge Howard; ent. 8/28/89	bb			

UNITED STATES DISTRICT COURT
CRIMINAL DOCKET

AO 256A

DATE	PROCEEDINGS (continued)		V. EXCLUDABLE DELAY			
			(a)	(b)	(c)	(d)
8/28/89	26.	ORDER-ORDERED that the motion of the government to exclude the time attributable to the absence of Acus from the speedy trial computation in the case of each defendant is GRANTED. It is further ORDERED that the time period beginning on July 20, 1989, the date of Acus's escape, be excluded from the computation of time for speedy trial in the case of each defendant. This time period shall continue to be excluded until the date that Acus is returned to custody; HOWARD, Malcolm J., U. S. Dist. Judge; CR OB# 12, p. 3; cc to AUSA: def't atty; Judge Howard; USMS; ent. 8/28/89				
8/29/89		Sent note to USMS w/cy of above order asking them to notify us when Acus apprehended so we could set for trial				
12/14/89		ISSUED NOTICE of Hearing on Conditions of Release set for Tuesday, Dec. 19, 1989 at 10:00 a.m., Fayetteville, before Mag. Dixon; cys to USMS; USPO; AUSA: Mr. Cooke; Joyce Todd; Mag. Dioxn				
1-5-90	27.	DEFENDANT'S OMNIBUS MOTION REGARDING CUSTODY - filed w/cs lc: Judge Howard	-			
5/31/90	28.	ORDER FOR DISMISSAL-the USAtty for EDNC hereby dismisses the Indictment against Leslie James Kelley for the reason that escapee status of government witness makes conviction unlikely; granted; Judge Howard; CR OB#13, p. 141; cc: SAUSA: USPO; USMS: FPD; Mag. Dixon; Judge Howard ent/ 5/31/90	jp			